

Appl. No. 09/674,477
Atty. Docket No. CM1762M
Amdt. dated 03/09/2004
Reply to Office Action of 09/09/2003
Customer No. 27752

REMARKS

Claims 1, 2, 16, 21 and 26-28 are currently pending in the case. The Applicants have amended claims 1 and 27 to particularly point out and distinctly claim the subject matter that Applicants regard as their invention. Moreover, the Applicants have cancelled claim 21, without prejudice, in favor of incorporation of the subject matter included therein into amended claim 1. Indeed, the Applicants reserve the right to reinstate the subject matter of said claim during the pendency of the present case. Support for the present amendments is found throughout the specification and claims, as originally filed. No new matter has been added and no claims fees are believed to be due. The Applicants strongly believe that the present Amendments, when considered in light of the below Remarks have placed the present case in condition for allowance. Accordingly, timely and favorable action is respectfully requested.

Rejection under 35 USC § 112, Second Paragraph

The Office Action states that claim 1 and claims 2, 16, and 26-28 depending from claim 1 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as their invention. The Office Action states that the metes and bounds of the phrase "softening protein" recited in claim 1 is not clear to the Examiner. The Applicants respectfully direct the Examiner's attention to the "Amendments" section of the instant paper, in which the Applicants have amended claim 1, from which the balance of the rejected claims depend, to recite the group from which the claimed fabric softening protein is selected. Further, the Applicants have cancelled claim 21, without prejudice, in favor of partial incorporation of the subject matter included therein into amended claim 1. Indeed, the Applicants reserve the right to reinstate the subject matter of said claim during the pendency of the present application. Support for the present amendments is found throughout the specification and claims as originally filed, and specifically on pages 10 and 11 of the present specification. In light of the present amendments, the Applicants respectfully request reconsideration and withdrawal of the rejection to claims 1, 2, 16 and 26-28 under 35 USC § 112, second paragraph.

The Office Action further states that claim 27 is rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as their invention. Specifically, the Office Action states that there is insufficient antecedent basis for the limitation "fabric care ingredient" included in said claim. The Applicants respectfully direct the Examiner's attention to the "Amendments" section of the instant paper, in which the Applicants have amended claim 27 to recite that the claimed fabric care composition comprises "a fabric care ingredient," thereby removing any antecedent basis issues. Support for the present amendments is found throughout the specification and claims, as originally

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filed. In light of the present amendments, the Applicants respectfully request reconsideration and withdrawal of the rejection to claim 27 under 35 USC § 112, second paragraph.

Rejection under 35 USC § 102(b) over Sakka

The Office Action states that claim 1 is rejected under 35 USC § 102(a) as being anticipated by Ann NY Acad. Sci., Dec. 1998, Vol. 864:485-488 to Sakka et al (hereinafter "Sakka"). Specifically, the Office Action states that Sakka discloses a hybrid protein comprising a cellulose binding domain of *Clostridium stercarium* XynA, linked to a softening protein (i.e., endoglucanase) via an amino acid linker. The Applicants respectfully direct the Examiner's attention to the "Amendments" section of the instant paper in which the Applicants have amended claim 1 to recite the specific group from which the claimed fabric softening protein is selected. The group of fabric softening proteins suitable for use in the context of the present invention does not include endoglucanase as disclosed by Sakka, and thus, amended claim 1 cannot be anticipated by the disclosure of Sakka. Further, and importantly, the Applicants submit that the priority date of the present application (i.e., the 05 January 1998 filing date of PCT US 98/08857) predates the December 1998 publication date of the Sakka reference. The Applicants have requested the urgent delivery of a certified copy of PCT US 98/08857, and will submit this priority document to the Examiner, as required under 35 USC § 119(b), immediately upon its receipt. The Applicants respectfully request a stay of this rejection until the Applicants have received and submitted the above-described priority document. In view of the forgoing, the Applicants respectfully request reconsideration and withdrawal of the rejection to claim 1 under 35 USC § 102(a) over Sakka.

Rejection under 35 USC § 103(a) over Schulein in view of Gilkes in further view of Goldstein

The Office Action states that claims 1-2, 16, 21 and 26-28 under 35 USC § 103(a) as allegedly obvious over WO 94/07998 to Schulein et al (hereinafter "Schulein") in view of WO 93/05226 to Gilkes et al (hereinafter "Gilkes") in further view of J. Bacteriology, 1993, Vol. 175(18):5762-5768 to Goldstein et al (hereinafter "Goldstein"). Specifically, the Office Action states that it would have been obvious to those skilled in the art to construct a hybrid protein using the CBD obtained from *C. cellulovorans* as taught by Goldstein, as Goldstein purportedly teaches that CBD of *C. cellulovorans* has a high capacity to bind specifically to crystalline cellulose. The Applicants respectfully direct the Examiner's attention to the "Amendment" section of the instant paper in which the Applicants have amended claim 1, from which the balance of the above-rejected claims ultimately depend, to particularly point out and distinctly claim the subject matter that the Applicants regard as their invention. Specifically, the Applicants have amended claim 1 to recite the specific group from which the claimed fabric softening protein is selected. In light of the present amendments the Applicants submit and strongly urge that Schulein in view of Gilkes in view of Goldstein neither

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teach nor suggest each and every limitation of the pending claims, as amended. Specifically, the Applicants submit that the applied references fail to teach or suggest a fabric softening protein hybrid having an amino acid sequence comprising a cellulose binding domain and the specific softening proteins now recited by claim 1. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection to claims 1, 2, 16 and 26-28 under 35 USC § 103(a).

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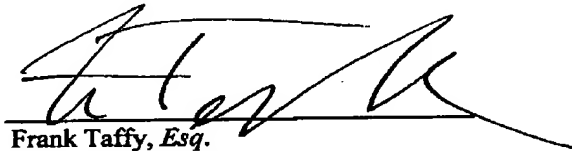
CONCLUSION

Applicants have made an earnest effort to place the present claims in condition for allowance. WHEREFORE, entry of the amendments provided herewith, reconsideration of the claims as amended in light of the Remarks provided, withdrawal of the claims rejections, and allowance of claims 1, 2, 16 and 26-28, as amended, are respectfully requested. In the event that issues remain prior to allowance of the noted claims, then the Examiner is invited to call Applicants' undersigned attorney to discuss any remaining issues.

Respectfully submitted,

ANDRE CESAR BAECK, ET AL

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